UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
LE, TUAN H

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>20 January 2010</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-3,5,7-13,15-24,32-38,40-42,48-52 and 54-59* is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-3, 5, 7-13, 15-24, 32-38, 40-42, 48-52 and 54-59* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a) ☐ All   b) ☐ Some * c) ☐ None of:

  1. ☐ Certified copies of the priority documents have been received.

  2. ☐ Certified copies of the priority documents have been received in Application No. _____.

  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
  Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Specification

The amendments to the specification submitted on 1/20/2010 have been

accepted by the examiner.

Information Disclosure Statement

The information disclosure statements filed on 1/21/2010 and 4/8/2010 have

been considered by the examiner.

Response to Arguments

Applicant's arguments filed 1/20/2010 have been fully considered but they are

not persuasive.

Regarding **independent claims 1, 17, 32, 48**, applicant submits that Dutta (US

Pub. 2003/0076408) does not disclose *"a processor configured to **identify** the class of*

*data in the image from a plurality of possible classes of data and automatically **perform***

the associated predetermined function in response to the class of data being identified,"

Remarks, last three lines of page 14. However, the examiner respectfully disagrees.

Specifically, Dutta discloses that processing engine (304) in a handheld device

processes a captured image by using an optical character recognition (OCR) program

for storage in an ***APPROPRIATE*** database, such as a list of telephone numbers,

internet addresses (URLs), e-mail addresses, names, etc…, which can be later

accessed by the handheld device ***to initiate*** a telephone call, ***browse*** the internet,

send an email message, etc, *(Dutta, fig. 3, paragraphs [0021] and [0023])*. According

to Dutta, the processing engine (304) is able to **IDENTIFY** the embedded data of the

captured image among various data so as to correctly store the data in an appropriate

database. Furthermore, the identified data is used to **PERFORM** predetermined

function such as to initiate a phone call, browse the internet, and send a message.

Thus, Dutta discloses the currently claimed above limitations.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5, 7-13, 15-24, 32-38, 40-42, 48-52 and 54-59 are rejected under

35 U.S.C. 102(e) as being anticipated by Dutta (U.S. Pub. 2003/0076408).

Regarding **claim 1**, Dutta discloses a device for communication (Dutta, Fig. 1,

Fig. 2, and Fig. 3), comprising:

an optical sensor (204) to capture an image, the image comprising a class of

data embedded in the image, the class of data having an associated predetermined

function and comprising at least one of characters and numbers (Dutta, fig. 3,

paragraph [0023], wherein OCR program is used to process the captured image); and

a processor (304) configured to identify the class of data in the image from a

plurality of possible classes of data and automatically perform the associated

predetermined function in response to the class of data being identified (Dutta, Fig. 3,

paragraphs [0021] and [0023], wherein the processing engine (304) is able to

IDENTIFY the embedded data of the captured image among various data so as to

correctly store the data in an appropriate database and wherein the identified data is

used to **PERFORM** predetermined function such as to initiate a phone call, browse the

internet, and send a message).

Regarding **claim 2**, Dutta discloses the device of claim 1. In addition, Dutta

discloses the optical sensor comprises one of a charge coupled device, a

complimentary metal oxide semiconductor (CMOS) and a camera (Dutta, Fig. 3 and

paragraph [0018]).

Regarding **claim 3**, Dutta discloses the device of claim 1. In addition, Dutta

discloses a data structure including computer-executable instructions executable by one

of the optical sensor and the processor to decode pixels in the image to identify or

select the class of data (Dutta, Fig. 3 wherein software 318 includes a data structure).

Regarding **claim 5**, Dutta discloses the device of claim 1. In addition, Dutta

discloses a display (104) to display at least one of the image and the class of data

(Dutta, Fig. 1 and paragraph [0015]).

Regarding **claim 7**, Dutta discloses the device of claim 1. In addition, Dutta

discloses the plurality of possible classes of data comprise at least one of a phone

number, a list of phone numbers, access information to a web site, a sequence of

commands, and information associated with a product or service (Dutta, paragraphs

[0023] and [0025], wherein bar code, text, web address, phone number are disclosed

and accessed).

Regarding **claim 8**, Dutta discloses the device of claim 7. In addition, Dutta

discloses the sequence of commands comprises commands to be performed

automatically by a communication device (Dutta, Fig. 1 and paragraph [0023], wherein

the mobile phone automatically can initiates a call given a decoded phone number).

Regarding **claim 9**, Dutta discloses the device of claim 8. In addition, Dutta

discloses the communication device comprises a cellular telephone (Dutta, Fig. 1).

Regarding **claim 10**, Dutta discloses the device of claim 7. In addition, Dutta

discloses the sequence of commands comprises commands to be performed by a

communication device in response to a password (Dutta, paragraph [0023], wherein

sending an requires an password).

Regarding **claim 11**, Dutta discloses the device of claim 10. In addition, Dutta

discloses the communication device comprises a cellular telephone (Dutta, Fig. 1).

Regarding **claim 12**, Dutta discloses the device of claim 10. In addition, Dutta

discloses at least one of a user interface and a voice recognition function to enter the

password (Dutta, Fig. 1 and paragraph [0015], wherein keyboard 112 is used).

Regarding **claim 13**, Dutta discloses the device of claim 1. In addition, Dutta

discloses the optical sensor (204) is operable to capture the image from one of a

television, a video monitor, and a fixed medium (Dutta, abstract, wherein an object is in

low light condition).

Regarding **claim 15**, Dutta discloses the device of claim 1. In addition, Dutta

discloses transmitting a signal to order a product or service comprises sending one of a

short message service (SMS) message, email message, or voice or data message,

each including information associated with a purchaser (Dutta, paragraph [0023],

wherein phone or email is used to order a service).

Regarding **claim 16**, Dutta discloses the device of claim 1. In addition, Dutta

discloses a user interface (112) to at least one of select the class of data from the

image, edit the class of data, store the class data and transmit the class of data (Dutta,

Fig. 1 and paragraphs [0015] and [0023], wherein information of the captured image is

sent from the mobile phone).

Regarding **claim 17**, Dutta discloses a device for communication (Dutta, Fig. 1,

Fig. 2, and Fig. 3), comprising:

an optical sensor (204) to capture an image, the image comprising a class of

data embedded in the image, the class of data having an associated predetermined

function and comprising at least one of characters and numbers (Dutta, fig. 3,

paragraph [0023], wherein OCR program is used to process the captured image);

a processor (304), wherein a data structure operable in association with one of

the optical sensor and a mobile system includes computer-executable instructions to

identify the class of data from a plurality of possible classes of data in the image by

decoding and analyzing pixels in the image, (Dutta, Fig. 3, paragraphs [0021]-[0023],

wherein software 318 is used for processing capture image in a handheld device so as

to store appropriately);

another data structure operable in association with the processor (304) to

automatically perform the predetermined function associated with the class of data in

response to the class of data being identified in the image, (Dutta, Fig. 3, paragraphs

[0021]-[0023], wherein with the identified data, the device initiates a telephone call,

browses internet, and sends e-mail message); and

a transmitter (106) to transmit signals in response to the class of data (Dutta, Fig. 1, paragraph [0015], wherein transmission of data is performed),

Regarding **claim 18**, Dutta discloses the device of claim 17. In addition, Dutta discloses the data structure operable in association with one of the optical sensor, the processor and the mobile system includes computer-executable instructions executable by one of the optical sensor, the processor and the mobile system to decode pixels in the image to identify or select the class of data (Dutta, Fig. 3, paragraph [0022], wherein software 318 is used for processing capture image and includes a data structure).

Regarding **claim 19**, Dutta discloses the device of claim 17. In addition, Dutta discloses a storage device (306) to store at least one of the image and the class of data (Dutta, Fig. 3).

Regarding **claim 20**, Dutta discloses the device of claim 17. In addition, Dutta discloses a display (104) to display at least one of the image and the class of data (Dutta, Fig. 1 and paragraph [0015]).

Regarding **claim 21**, Dutta discloses the device of claim 20. In addition, Dutta discloses at least one function button to select the class of data from the image (Dutta, Fig. 1 and paragraph [0015], wherein keyboard 112 is used).

Regarding **claim 22**, Dutta discloses the device of claim 21. In addition, Dutta discloses a pointing device to select the class data from the image (Dutta, Fig. 1 and paragraph [0015], wherein inherent part of keyboard 112 is used).

Regarding **claim 23**, Dutta discloses the device of claim 17. In addition, Dutta discloses a user interface to at least one of select the class data from the image, edit

the class of data, store the class of data and transmit the class of data (Dutta, Fig. 1 and paragraph [0015], wherein keyboard 112 is used).

Regarding **claim 24**, Dutta discloses the device of claim 17. In addition, Dutta discloses the class of data comprises at least one of a phone number, a list of phone numbers, access information to a web site, a sequence of commands, and information associated with a product or service (Dutta, paragraph [0023]).

Regarding **claim 32**, the same ground of rejection as in claim 1 is applied.

Regarding **claim 33**, Dutta discloses the device of claim 32. In addition, Dutta discloses decoding pixels in the image to identify or select the class of data (Dutta, paragraph [0023], wherein OCR program is used).

Regarding **claim 34**, same ground of rejection as in claim 5 is applied.

Regarding **claim 35**, same ground of rejection as in claim 7 is applied.

Regarding **claim 36**, same ground of rejection as in claim 8 is applied.

Regarding **claim 37**, same ground of rejection as in claim 10 is applied.

Regarding **claim 38**, same ground of rejection as in claim 12 is applied.

Regarding **claim 40**, same ground of rejection as in claim 15 is applied.

Regarding **claim 41**, Dutta discloses the method of claim 32. In addition, Dutta discloses retrieving purchaser information from a data source in response to transmitting a signal to order a product or service, (Dutta, Fig. 1, wherein, the portable phone number associated with the purchaser is retrieved).

Regarding **claim 42**, same ground of rejection as in claim 16 is applied.

Regarding **claim 48**, the same ground of rejection as in claim 17 is applied.

Regarding **claim 49**, Dutta discloses the computer-readable storage medium of claim 48. In addition, Dutta discloses decoding pixels in the image to identify or select the class of data (Dutta, Fig. 3, paragraphs [0022] and [0023], wherein OCR program is used).

Regarding **claim 50**, the same ground of rejection as in claim 24 is applied.

Regarding **claim 51**, the same ground of rejection as in claim 18 is applied.

Regarding **claim 52**, Dutta discloses the computer-readable storage medium of claim 50. In addition, Dutta discloses performing the sequence of commands in response to a password (Dutta, paragraph [0023] wherein a password is associated with at least the email-message).

Regarding **claim 54**, Dutta discloses the computer-readable storage medium of claim 48. In addition, Dutta discloses transmitting a signal to order a product or service comprises sending one of a short message service (SMS) message, an email message, or a voice or data message, each including information associated with a purchaser, (Dutta, paragraph [0023], wherein information of a user is associated with the mobile phone).

Regarding **claim 55**, Dutta discloses aforementioned limitations of the parent claim. Additionally, Dutta discloses

the class of data comprises data that is visible and comprehensible to a human eye (Dutta, paragraph [0023], wherein text is recognized).

Regarding **claim 56**, Dutta discloses aforementioned limitations of the parent claim. Additionally, Dutta discloses

the predetermined function comprises one of transmitting a signal to order a

product or service, decoding data from one or more images to reprogram a

communication device, downloading communication device setup parameters, storing

one or more phone numbers, **establishing a call**, storing information associated with a

web site or email address, accessing a web site, and sending an email message (Dutta,

wherein a phone call is initiated).

Regarding **claim 57**, Dutta discloses aforementioned limitations of the parent

claim. Additionally, Dutta discloses

the predetermined function comprises one of transmitting a signal to order a

product or service, decoding data from one or more images to reprogram a

communication device, downloading communication device setup parameters, storing

one or more phone numbers, establishing communications, storing information

associated with a web site or email address, **accessing a web site, and sending an**

email message (Dutta, paragraph [0023], wherein web-browsing or sending email is

performed).

Regarding **claim 58**, Dutta discloses aforementioned limitations of the parent

claim. Additionally, Dutta discloses

performing the predetermined function

comprises one of transmitting a signal to order a product or service, decoding data from

one or more images to reprogram a communication device, downloading

communication device setup parameters, storing one or more phone numbers, storing

information associated with a web site or email address, **establishing a phone call,**

accessing a web site and sending an email message (Dutta, paragraph [0023], wherein initiating a phone call, web-browsing, or sending email is performed).

Regarding **claim 59**, Dutta discloses aforementioned limitations of the parent claim. Additionally, Dutta discloses

performing the predetermined function comprises performing commands contained in the image (Dutta, paragraph [0023], wherein initiating a phone call, web-browsing, or sending email is performed).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUAN H. LE whose telephone number is (571)270-1130. The examiner can normally be reached on M-Th 7:30-5:00 F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tuan H Le/
Examiner, Art Unit 2622
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